



Report to the Auburn City Council

Action Item
Agenda Item No. **8**

City Manager's Approval
[Signature]

To: Mayor and City Council Members
From: Lance E. Lowe, AICP, Associate Planner *[Signature]*
Date: August 22, 2011
Subject: A Public Hearing to Consider a General Plan Amendment and Pre-zone at 880 & 890 Foresthill Avenue

The Issue

Should the City Council Amend the General Plan Land Use Designation to change the General Plan Land Use from Urban Low Density Residential (ULDR) to Open Space (OS) and Rural Density Residential (RDR). The Pre-zone would designate the properties to Open Space Conservation (OSC) and Agricultural Residential, Minimum Parcel Size 2.5 acres (AR-2.5)?

Conclusions and Recommendation

The Planning Commission recommends that the City Council take the following action:

- A. Adopt Resolution No. 11-_____ (**Exhibit A**) approving the 880 & 890 Foresthill Avenue General Plan Amendment as presented; and,
- B. Introduce and hold first reading, by title only, of Ordinance No. 11-_____ (**Exhibit B**) to Pre-zone the properties to Open Space Conservation (OSC) and Agricultural Residential, minimum parcel size 2.5 acres (AR-2.5), which includes the following actions:
 1. Adoption of a Categorical Exemption, prepared for the General Plan Amendment and Pre-zone as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
 2. Adoption of Findings of Fact for approval of the General Plan Amendment & Pre-zone as presented in the Council Report; and,
 3. Approval of the General Plan Amendment & Pre-zone in accordance with the Conditions of Approval as presented in the Council Report.

Alternative Motion (Denial)

- C. Move to direct staff to amend Resolution No. 11-_____ denying the General Plan Amendment & Pre-zone, based upon substantial evidence presented at the public hearing, and direct staff to present the project at the next available City Council meeting.

Background

The applicant (Ron Meyer) obtained a Minor Use Permit (MUP) from the Placer County Community Development & Resource Agency to replace an existing single family dwelling unit, served by septic, on his ±10.3 acre property located at 890 Foresthill Avenue. A condition of the MUP required the applicant to obtain City sewer connections for each of the dwellings (3 total) prior to obtaining a Certificate of Occupancy for the replaced residence (Condition of Approval No. 4) (**Attachment 4** of Planning Commission Staff Report). The property owner has previously obtained one sewer connection from the City of Auburn in 2005 due to failing septic system (**Attachment 2**).

In order to obtain additional sewer connections from the City, it has been the City's policy that property owners desiring additional City sewer hookups annex into the City prior to obtaining City sewer services. Accordingly, the applicant has been unable to comply with Placer County's Condition of Approval No. 4 and is therefore requesting that his property be considered for annexation by the Placer County Local Agency Formation Commission (LAFCO).

On April 25, 2011 the City Council authorized the submittal of an Annexation application with LAFCO. An application was submitted to the Placer County LAFCO on May 18, 2011. Upon ratification of a Tax Sharing Agreement between the County of Placer and City of Auburn, the application will be considered by LAFCO.

On July 19, 2011 the Planning Commission held a duly noticed public hearing to receive testimony and consider the proposed 880 & 890 Foresthill Avenue General Plan Amendment & Pre-zone. After a brief discussion regarding the purpose of the General Plan Amendment & Pre-zone, the Planning Commission recommended (AYES: Spokely, Young, & Snyder; NOES: None; ABSTAIN: Vitas;) that the City Council approve the project as presented. No persons spoke at the Planning Commission public hearing (**Attachment 3**).

Analysis

Considering that the applicant has no desire to develop the property beyond the existing improvements, the applicant has requested a General Plan Amendment and Pre-zone to a lower density land use designation than currently exists. In consideration of a General Plan Amendment & Pre-zone for the ±10.3 acre property located at 890 Foresthill Avenue, it was LAFCO's position that the ±5.8 acre property that adjoins the City limits, owned by the Placer Land Trust, identified as 880 Foresthill Avenue, also be included to ensure that the proposed City limit boundary does not include property that is not contiguous.

The applicant (Ron Meyer) has spoken with the adjoining property owners and the Placer County Land Trust (PCLT), which owns an adjoining property at 880 Foresthill Avenue (between the City of Auburn and applicant's property). The PCLT has agreed to participate in the annexation

proceedings provided that: 1) No further development will occur on the properties; 2) Placer Land Trust property will be designed Open Space Conservation (OSC); and, 3) No costs will be incurred by Placer Land Trust related to the annexation process (**Attachment 6** of Planning Commission Staff Report).

General Plan Consistency

In review of the City of Auburn General Plan goals, policies and objectives, the proposed General Plan Amendment and Pre-zone will not cause the General Plan to become internally inconsistent. The project is consistent with a number of General Plan policies, goals and objectives related to annexation.

Environmental Determination

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Categorical Exempt in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines. No development is proposed with the proposed General Plan Amendment and Pre-zone.

Alternatives Available to Council; Implications of Alternatives

1. Approve the General Plan Amendment and Pre-zone as presented; or,
2. Deny the General Plan Amendment and Pre-zone, based upon substantial evidence presented at the public hearing, and direct staff to present it at the next available City Council meeting.

Fiscal Impacts

The subject properties are within unincorporated Placer County and an annexation application is pending with the Placer County Local Formation Commission (LAFCO). As a component of annexation and prior to consideration by LAFCO, a City/County Tax Sharing Agreement is required to be ratified between the City and County. Once negotiated between the City and County, the Tax Sharing Agreement will be presented to the City Council for approval thereby ensuring that the project is fiscally sound.

Amending the General Plan from Urban Low Density Residential (ULDR) to Open Space (OS) and Rural Density Residential (RDR) and Pre-zoning the properties to Open Space and Agricultural Residential, minimum parcel size 2.5 acres to reflect the existing development on the subject properties, is not anticipated to have an effect on the General Fund.

The applicant has paid the application processing fees for the General Plan Amendment & Pre-zone.

Additional Information

Please see the following attachments for more details:

ATTACHMENTS –

1. Planning Commission Staff Report dated July 19, 2011 with the following Attachments and Exhibits:

Attachments:

1. Vicinity Map
2. Aerial Photograph
3. Existing Structures Exhibit
4. Placer County Community Development and Resource Agency Minor Use Permit
5. Applicant's Correspondence dated April 14, 2011
6. Placer County Land Trust Correspondence dated March 24, 2011
7. Project e-mail Correspondence dated July 13, 2011

Exhibits:

- A. Planning Commission Resolution No. 11-19 with Findings and Conditions of Approval
- B. General Plan and Pre-zone Exhibits

2. City Council Staff Report dated March 14, 2005
3. Draft Planning Commission Minutes dated July 19, 2011

EXHIBITS –

- A. City Council Resolution Approving General Plan Amendment with General Plan Exhibit
- B. City Council Ordinance Approving Pre-zone with Pre-zone Exhibit



ATTACHMENTS



CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: July 19, 2011

Prepared by: Lance E. Lowe, AICP, Associate Planner

ATTACHMENT 1

ITEM NO.
V-B

ITEM V-B: GENERAL PLAN AMENDMENT & PRE-ZONE – 880 & 890 FORESTHILL AVENUE (MEYER ANNEXATION) – FILES # ANN 11-1; GPA 11-2 & RE 11-2.

REQUEST: The applicant requests approval of a General Plan Amendment and Pre-zone to change the land use from Urban Low Density Residential (ULDR) to Open Space (OS) and Rural Density Residential (RDR). The Pre-Zone would change the properties to Open Space Conservation (OSC) and Agricultural Residential, Minimum Parcel Size 2.5 acres (AR-2.5).

RECOMMENDED MOTION (APPROVAL):

That the Planning Commission recommend that the City Council take the following action:

- A. Adopt Resolution No. 11-9 (**Exhibit A**) to approve the 880 & 890 Foresthill Avenue General Plan Amendment and Pre-Zone as presented, or as modified by the Planning Commission, which includes the following actions:
1. Adoption of a Categorical Exemption, prepared for the General Plan Amendment and Pre-Zone as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
 2. Adoption of Findings of Fact for approval of the General Plan Amendment & Pre-Zone as presented in the Staff Report; and,
 3. Approval of the General Plan Amendment & Pre-Zone in accordance with the Conditions of Approval as presented in the Staff Report.

ALTERNATIVE MOTION (DENIAL):

- B. Move to direct staff to amend Resolution No. 11-9 recommending denial of the General Plan Amendment & Pre-Zone, based upon substantial evidence presented at the public hearing, and direct staff to present the project at the next available Planning Commission meeting.

BACKGROUND:

Applicant/Owner: Ron Meyer; P.O. Box 3172; Auburn, CA 95603; (530) 889-1999;

Owner: Placer Land Trust; 11661 Blocker Drive, Suite 110; Auburn, CA 95603; (530) 887-9222.

Location: 880 & 890 Foresthill Avenue (**Attachments 1 & 2**)

Assessor's Parcel Numbers: 054-290-062 & 063

Lot Size: \pm (5.8) (OSC) & \pm 10.3 acres (AR-2.5)

Project Site:

General Plan: ULDR (Urban Low Density Residential)
Zoning: N/A
Existing Land Use: Open Space & Single Family Dwellings

Surrounding Land Uses:

North:	Single Family Dwelling	South:	Single Family Dwelling
East:	Vacant	West:	Single Family Dwelling

Surrounding Zone Districts:

North:	RS-B-100 (Placer County)	South:	R-1-10
East:	OS (BLM)	West:	R-1-10

BACKGROUND:

The applicant obtained a Minor Use Permit (MUP) from the Placer County Community Development & Resource Agency to replace an existing single family dwelling unit on his \pm 10.3 acre property located at 890 Foresthill Avenue. A condition of the MUP required the applicant to obtain sanitary sewer connections for each of the dwellings (3 total) prior to obtaining a Certificate of Occupancy for the replaced residence (Condition of Approval No. 4). Note that the property owner has previously obtained one sewer connection from the City of Auburn (**Attachments 3 & 4**).

In order to obtain additional sewer connections from the City, it has been the City's policy that property owners desiring additional City sewer hookups annex into the City prior to obtaining City sewer services. Accordingly, the applicant has been unable to comply with Placer County's Condition of Approval No. 4 and is therefore requesting that his property be considered for annexation by the Placer County Local Agency Formation Commission (LAFCO).

On April 25, 2011 the City Council authorized the submittal of an Annexation application with LAFCO. An application was submitted to the Placer County LAFCO on May 18, 2011. Upon ratification of a Tax Sharing Agreement between the County of Placer and City of Auburn, the application will be considered by LAFCO.

PROJECT DESCRIPTION:

The proposed project consists of a General Plan Amendment & Pre-Zone for property located at 880 & 890 Forest Hill Avenue. As described above, the sole purpose of the Annexation, General Plan Amendment and Pre-zone is to permit an additional three (3) sewer connections for existing dwellings on the Meyer property (890 Foresthill Avenue) thereby meeting the Placer County

Community Development & Resource Agency's Condition of Approval No 4. Other than the abandonment of septic(s) and leech field(s) and connection to City sewer for the 3 existing dwelling units on the property, no further development is proposed (**Attachment 5**).

The City of Auburn currently has a General Plan designation of Urban Low Density Residential (ULDR) but has not established a zoning for the subject properties. Consequently, a City Pre-zoning is necessary to establish the zoning of the properties upon annexation from unincorporated Placer County to the City of Auburn.

General Plan Amendment:

The project consists of two properties that abut the Auburn City limits to the east. The subject ± 5.8 acre property identified as 880 Foresthill Avenue is contiguous to the City of Auburn and is owned by the Placer County Land Trust. The subject ± 10.3 acre property identified as 890 Foresthill Avenue adjoins the Placer Land Trust property to the east and is owned by Ron and Kathleen Meyer.

The General Plan is proposed to be amended from Urban Low Density Residential (ULDR)(2-4 du acre) to Open Space (OS) and Rural Density Residential (RDR) for 880 and 890 Foresthill Avenue respectively. The OS General Plan designation provides for the preservation of land in its natural state and allows the development of trails, bike paths, and parks. Building intensity may be up to a 0.25 Floor Area Ratio (FAR). The RDR General Plan designation provides for single-family homes on larger parcels. Building intensities may be up to 0.05 – 0.5 units per acre (**Attachment 1 of Exhibit A**).

The proposed General Plan designations of Open Space and Rural Density Residential take into account the Placer Land Trusts' Stagecoach Preserve property and existing improvements on the Meyer property.

Pre-zone:

The current zoning for the subject property is Placer County's Residential Suburban, minimal buildable area 100,000 sq. ft. (± 2.29 acre minimum)(RS-B-100). As noted, considering that the City is currently without a zoning for the subject properties, a Pre-zone of the property is also proposed to Open Space Conservation (OSC) and Agricultural Residential, minimum parcel size 2.5 acres (AR-2.5) for 880 & 890 Foresthill Avenue respectively (**Attachment 2 of Exhibit A**).

The Open Space Conservation (OSC) zoning allows agricultural and related uses. The Agricultural Residential, minimum parcel size 2.5 acres zone (AR-2.5) allows residential and agricultural related uses. The property slated for AR-2.5 is ± 10.3 acres which would allow a building intensity of up to 4 dwelling units ($10.3 / 2.5 = 4.12$ du). The subject property has four (4) single family dwellings on the property and is therefore at its maximum density.

ANALYSIS:

The proposal stems from a request by the applicant to connect to City services for each of the four (4) dwelling units on the subject property. To allow for the additional sewer connections from the City for the 3 existing dwelling units located at 890 Foresthill Avenue, it has been the City's policy that the subject properties be annexed into the City.

Considering that the applicant has no desire to develop the property beyond the existing improvements, the applicant has requested a General Plan Amendment and Pre-zone to a lower density land use designation than currently exists. In consideration of a General Plan Amendment & Pre-zone for the ± 10.3 acre property located at 890 Foresthill Avenue, it was LAFCO's staff's position that the ± 5.8 acre property that adjoins the City limits, owned by the Placer Land Trust identified as 880 Foresthill Avenue also be included to ensure that the proposed City limit boundary does not include property that is not contiguous.

The applicant (Ron Meyer) has spoken with the adjoining property owners and the Placer County Land Trust (PCLT), which owns an adjoining property at 880 Foresthill Avenue (between the City of Auburn and applicant's property). The PCLT has agreed to participate in the annexation proceedings provided that: 1) No further development will occur on the properties; 2) Placer Land Trust property will be designed Open Space Conservation (OSC); and, 3) No costs will be incurred by Placer Land Trust related to the annexation process (**Attachment 6**).

Although, not a condition of approval, for the General Plan Amendment and Rezone, according to correspondence received from Placer County Land Trust, Ron Meyer has agreed to place a deed restriction on his property, enforceable by Placer County Land Trust, to forever limit development to four residential units, regardless of future changes in ownership or zoning.

These properties represent the east border of the City of Auburn City limits. Lands further east are designated Open Space and are under the ownership of the Federal Government.

Existing Improvements –

The Placer Land Trust property located at 880 Foresthill Avenue, also known as the Stagecoach Preserve property, is undeveloped. From 1999 to 2007, the Placer Land Trust and Placer County residents have worked together to protect the Stagecoach Preserve. The Stagecoach Preserve is a ± 5.8 acre tract of natural open space that, in 1999, was scheduled for residential development.

The preserve protects some of the last remaining open space and habitats that lies between the American River Canyon and the residential area of Auburn near the popular Stagecoach Trailhead. Placer Land Trust purchased the bulk of the property in 1999 and added three acres in 2007. Placer Land Trust is planning a Stagecoach Preserve, linking up the popular Stagecoach Trailhead. Meanwhile the property is accessible to the public for educational purposes with prior consent (*Source: Placer County Website*)

The property fronts on both Canyon Drive and Foresthill Avenue which provides access.

The Meyer property located at 890 Foresthill Avenue contains a number of improvements consisting of four (4) houses; garage; carport and swimming pool. An existing well serves the

property for water. Of the four (4) homes, 3 are served by septic/leech fields and will be connected to City of Auburn sewer. The property fronts on Foresthill Avenue which provides access at two locations.

Services –

Water Supply: The subject properties are served by private well regulated by the Placer County Environmental Health Department.

Sanitary Sewer: The nearest sanitary sewer connection is located on Canyon Drive west of the subject properties and extends across the Placer Land Trust property. A sewer line easement between Ron Meyer and Placer Land Trust has been recorded previously. Placer Land Trust acknowledges that the additional sewer connection across the Placer Land Trust property is consistent with the sewer line easement.

Dry Utilities: Dry utilities (i.e., natural gas, electrical supply, telephone, cable) are located on Foresthill Avenue and presently serve the subject site. No further extension is required to serve the proposed project.

General Plan Consistency –

In review of the General Plan goals, policies and objectives, the proposed General Plan Amendment will not cause the General Plan to become internally inconsistent. The project is consistent with a number of General Plan policies related to City Annexation as follows:

- Policy 10.1 Utilize development standards and annexation to promote open space and to manage the rate, location and type of growth.
- 10.2 Annex those lands which can be developed in accordance with the Auburn General Plan, are fiscally sound additions to the City, can be adequately served by municipal (or acceptable alternative) facilities and services, and are part of a planned, orderly annexation program.
- 10.3 Pre-zone all properties proposed or annexation in a manner consistent with the Auburn General Plan.
- 10.4.1 The Auburn General Plan and zoning designations for annexed land should consider the following criteria:
- a. The capacity of facilities and municipal services;
 - b. The environmental effects that development on lands proposed for annexation may have on properties within the existing city limits;
 - c. Existing land uses, if any, on and in the vicinity of the annexed land;
 - d. The extent of any natural habitats and features of the landscape which should be preserved; and,
 - e. The demonstrated need for additional housing, retail, commercial uses, other commercial uses, and industrial uses.

ENVIRONMENTAL DETERMINATION:

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Categorically Exempt in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines. No development is proposed with the proposed Annexation, General Plan Amendment, and Pre-zone.

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photograph
3. Existing Structures Exhibit
4. Placer County Community Development and Resource Agency Minor Use Permit
5. Applicant's Correspondence dated April 14, 2011
6. Placer County Land Trust correspondence dated March 24, 2011
7. Project E-mail Correspondence dated July 13, 2011

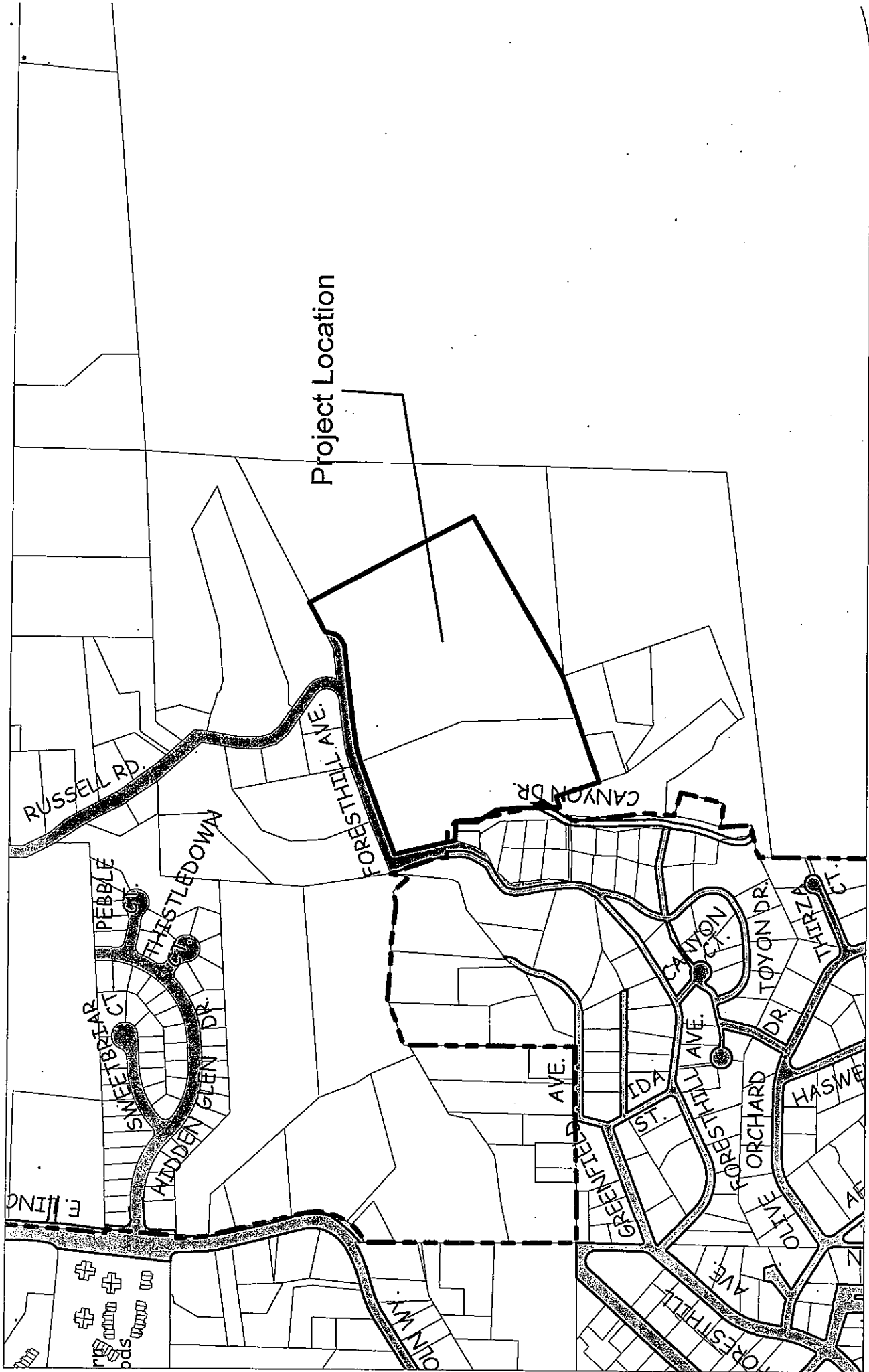
EXHIBITS:

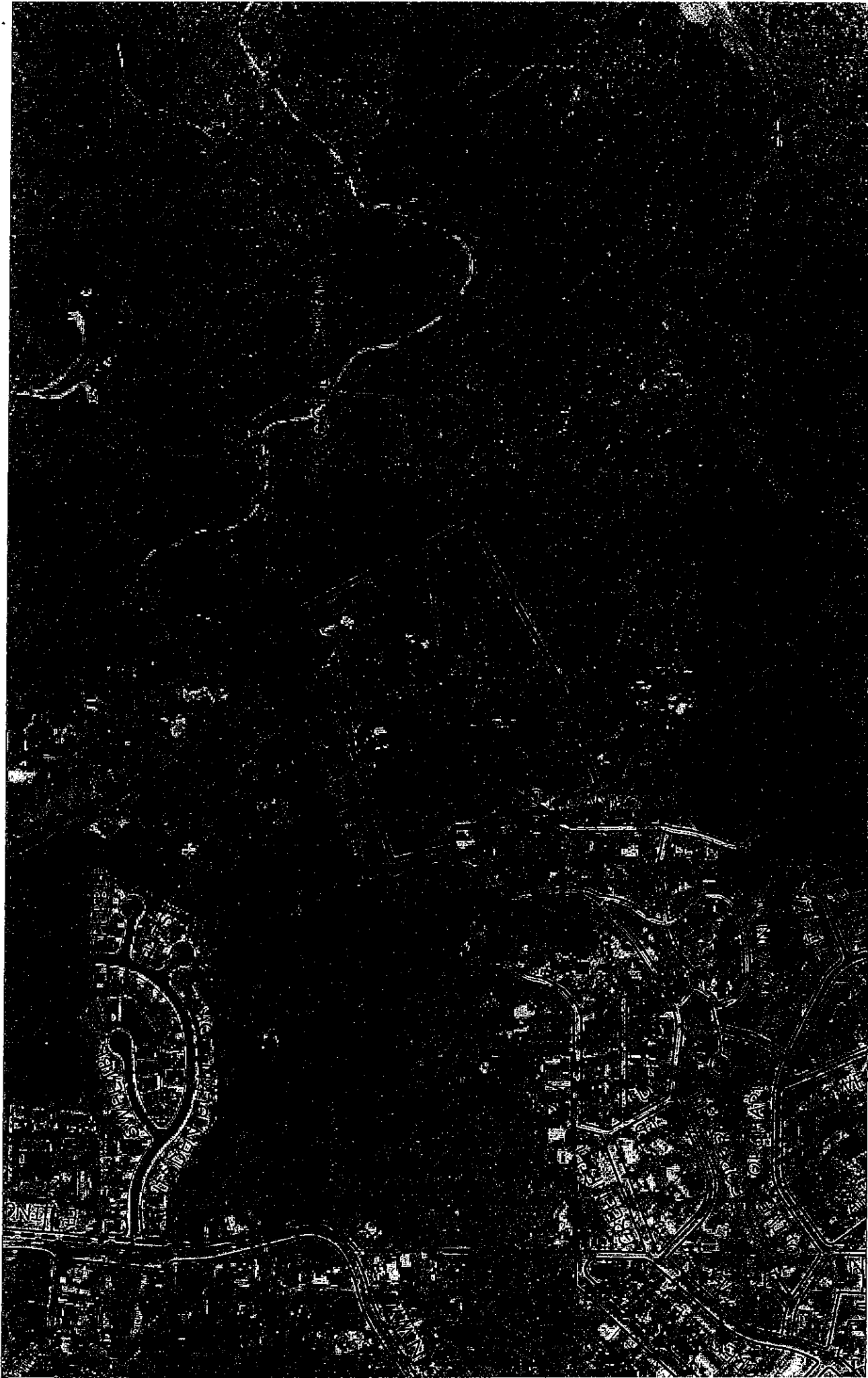
- A. Resolution No. 11-9
- B. General Plan & Rezone Exhibits



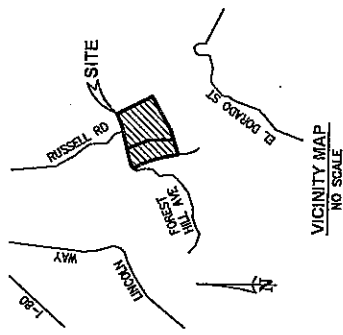
ATTACHMENTS

880 & 890 FORESTHILL AVENUE





N



LINE TABULATION

NO.	BEARING	DIST.
L1	S80°54'00"E	89.52'
L2	S32°50'00"E	79.81'
L3	S08°59'00"E	88.89'
L4	S07°35'00"E	80.58'
L5	S07°22'00"E	37.17'
L6	S27°51'00"W	8.86'
L7	N75°29'00"E	49.50'
L8	S62°28'31"W	75.03'
L9	S74°33'31"W	52.00'
L10	S74°33'31"W	10.00'
L11	S89°18'31"W	93.43'
L12	S81°00'00"E	12.18'
L13	S81°00'00"E	23.83'
L14	N85°08'00"E	40.00'

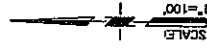


EXHIBIT MAP MEYER

EXISTING STRUCTURES

A PORTION OF
SECTION 11, T12N R8E, MDM
PLACER COUNTY, CALIFORNIA
SCALE: 1"=100' APRIL 14, 2011

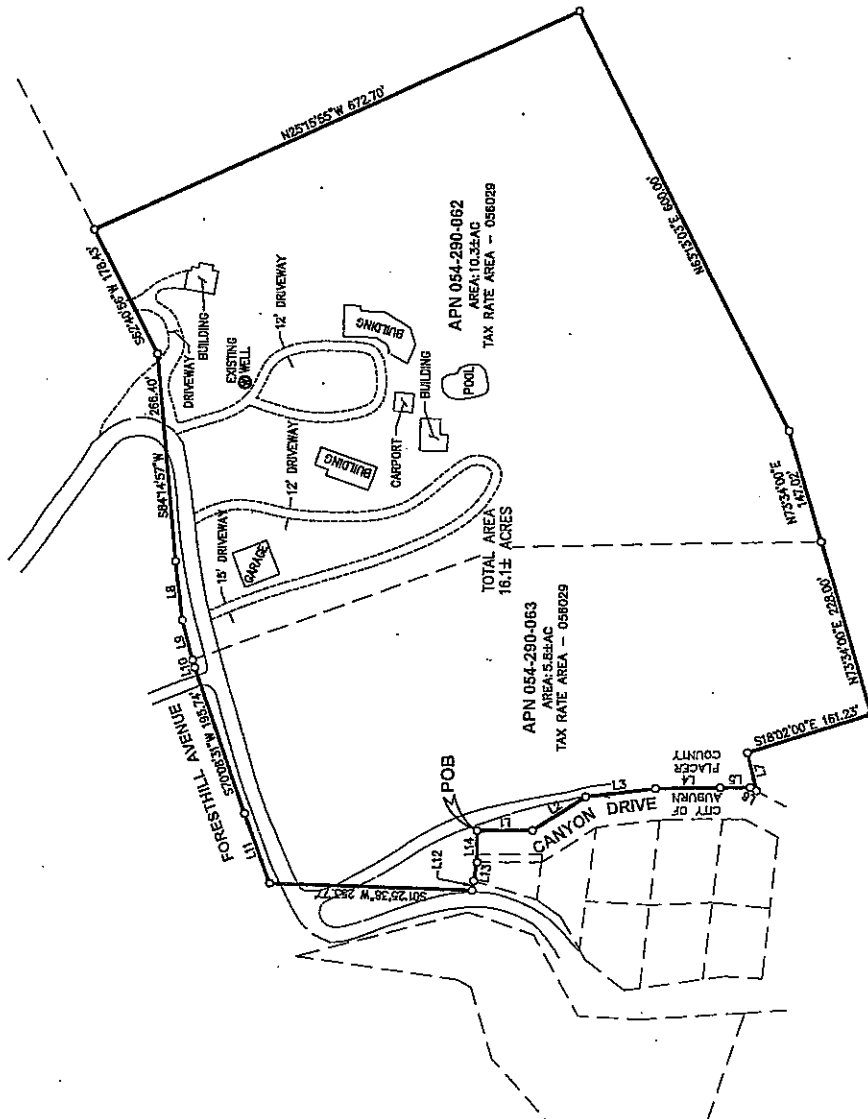
**ANDREGG
GEOMATICS**
www.andregg.com
866-465-7872

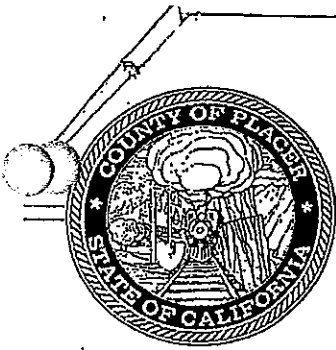
X:\data\140226\dwg\140226EX-Buildings.dwg

PREPARED AT THE REQUEST OF:
RON MEYER

BOUNDARY SHOWN HEREON BASED ON RECORD PER DOCUMENT NO.
99-0059192 AND DOCUMENT NO. 98-0059183

HORIZONTAL DATUM:
LOCAL GROUND COORDINATES





COUNTY OF PLACER
Community Development Resource Agency

Michael J. Johnson, AICP
 Agency Director

PLANNING

FINAL FINDINGS AND FINAL CONDITIONS OF APPROVAL
MINOR USE PERMIT PMPC 20100380 - MEYER

CEQA FINDINGS:

The project is Categorically Exempt from environmental review pursuant to the provisions of Section 15302 of the California Environmental Quality Act Guidelines and Section 18.36.040 of the Placer County Environmental Review Ordinance (Class 2, Replacement or Reconstruction).

FINAL FINDINGS:

1. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and the Auburn/Bowman Community Plan.
2. The proposed project is consistent with all applicable provisions of the Placer County Zoning Ordinance.
3. The Minor Use Permit does not authorize a use that is not otherwise allowed in the zoning district.

FINAL CONDITIONS OF APPROVAL:

1. This Minor Use Permit (PMPCT20100380) is approved to allow for the construction of a 3,000 square foot single-family residence at the location of an existing storm-damaged residence on APN 054-290-062.
2. The applicant shall obtain a building permit for the construction of the single-family residence.
3. The applicant shall construct the single-family residence within the footprint of the residence to be demolished.
4. Prior to Building permit issuance, submit to Environmental Health Services a "Will-serve" letter from the City of Auburn stating that the City of Auburn sewer district can and will provide sewerage service to all plumbed structures on the subject parcel. Connect all residences and structures with plumbing on the parcel to this public sewer, and properly abandon all existing septic systems on site. All remaining septic system abandonments to be completed with permit and inspection by the Placer County Building Department. Prior to issuance of an Environmental Health Services Final for a building permit, submit written verification to Environmental Health Services of completion of the above.
5. Prior to building permit issuance, submit to Environmental Health Services, a will serve letter from Placer County Water Agency for domestic treated water service, and connect the project to this domestic treated water supply.
6. This approval shall expire on December 27, 2012 unless previously exercised.

April 14, 2011

City of Auburn
1225 Lincoln Way
Auburn, CA 95603

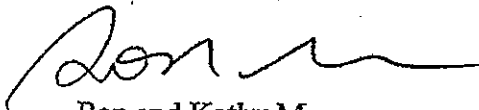
To whom it may concern:

The following is a brief history leading up to the need for annexation into the city of Auburn. We purchased this property located at 890 Foresthill Avenue, Auburn, in July of 2002. After moving onto the property we experienced a failing septic system for the house that we will be replacing. After exploring all alternatives for on site disposal we realized we had no solutions to remedy the problem. We then installed a sewer line connecting to the City of Auburn.

In October of 2010 we hired an architect to draw plans for a house to replace the existing one. I then visited all the agencies at Placer County and was told I would need a minor use permit that we were granted Dec. 16, 2010. One of the conditions of the use permit was that we connect all plumbed structures to the city sewer. We then went to the city to get a will serve letter for sewer connection and were told we would need to annex in order to do so.

If I can answer any further questions, please don't hesitate to ask.

Sincerely,



Ron and Kathy Meyer





Natural Wonders Forever

Placer Land Trust

11661 Blocker Drive #110
Auburn, CA 95603
(530) 887-9222
Fax (530) 888-7720
info@placerlandtrust.org
www.placerlandtrust.org

Board of Directors

Fred Yeager, President
Patricia Callan-McKinney
Rich Ferreira
Robert Gilliom
Jim Haagen-Smit
Gregg McKenzie
Thomas McMahan
Mehrey Vaghti
Larry Welch

Executive Director

Jeff Darlington

Placer Land Trust works with willing landowners and conservation partners to permanently preserve natural and agricultural lands in Placer County for future generations.



Placer Land Trust is a private, nonprofit 501(c)(3) charitable organization incorporated in 1991, accredited by the national Land Trust Accreditation Commission. Federal Tax Identification Number: 68-0223143.

To: Wilfred Wong, City of Auburn
Ron Meyer
Kristina Berry, LAFCO
Bob Gilliom, Emigrant Trails Greenway Trust
Meyer/Stagecoach area neighbors

March 24, 2011

On March 15, 2011, Placer Land Trust's neighbor Ron Meyer informed Placer Land Trust (PLT) that he is seeking City of Auburn approval for City sewer service to an existing site on his Foresthill Avenue property.

Ron and the City informed PLT that the City and/or LAFCO would require Ron's property and the intervening property – a portion of PLT's Stagecoach Preserve – to be annexed into the City of Auburn, in order for this service to be approved.

PLT has discussed this proposal with Ron Meyer and with Wilfred Wong, Community Development Director for the City of Auburn.

Placer Land Trust is willing to have a portion of its Stagecoach Preserve annexed into the City of Auburn, subject to the following understandings and actions.

First, PLT's policy is to avoid taking actions that facilitate development around its protected lands, and, if possible, to enhance its protected lands through a variety of actions with willing landowners (including limiting adjacent development through agreements with willing landowners).

In this case, PLT policy does not prevent PLT from accommodating Ron Meyer's sewer hook-up to an existing building site, since it does not result in increased development density either on the Meyer property or other adjacent properties. Ron Meyer's sewer hook-up proposal is consistent with that certain *Deed of Sewer Line Easement, June 2, 2004*, by and between PLT and Ron Meyer, which restricts the amount of sewer service to the Meyer property across PLT's Stagecoach Preserve.

Consistent with its policy, PLT will not allow any additional City sewer or other utilities to cross Stagecoach Preserve, whether to Ron Meyer or any other neighbor.

(continued)

RECEIVED

MAR 25 2011

940 COMMUNITY DEVELOPMENT
CITY OF AUBURN

Furthermore, Ron Meyer has agreed to place deed restrictions on his property, enforceable by PLT, to forever limit development to four residential units, regardless of future changes in property zoning or ownership. Given that fact, and with Ron Meyer's consent, PLT encourages the City to zone the Meyer property consistent with this existing density upon annexation.

Secondly, PLT requires Ron Meyer to compensate PLT for any costs incurred by PLT related to the annexation process.

Finally, PLT understands that this annexation will not increase the property tax burden on our Stagecoach Preserve property, and PLT requests the City to zone the annexed portions of its Stagecoach Preserve as Open Space, consistent with the property's protected status and existing and perpetual use for public benefit.

Placer Land Trust values our relationships with the City of Auburn and with our neighbors, many of whom in this neighborhood joined with Emigrant Trails Greenway Trust and the Meyer family to fund PLT's acquisition and permanent protection of Stagecoach Preserve.

Please feel free to contact me with any questions you may have.

Sincerely,



Jeff Darlington
Executive Director

ATTACHMENT 7

Lance Lowe

From: Tom McMahan [tdm0083@gmail.com]
Sent: Wednesday, July 13, 2011 9:27 AM
To: Lance Lowe
Subject: Fw: Ron Meyer General Plan Amendment and Rezone

Lance: I missed the "dot". I hope you receive this sending. Tom McMahan

From: Tom McMahan
Sent: Tuesday, July 12, 2011 5:14 PM
To: llowe@auburnca.gov
Subject: Ron Meyer General Plan Amendment and Rezone

Mr. Lowe: I spoke with you yesterday regarding the above named application, which will be heard by your Planning Commission on 7/19/11. In reviewing the notice as well as confirming the facts with you, it is clear to me that this results in no increase in density or effective zoning of this property. In fact, this action is only required in order for Mr. Meyer to annex to the City of Auburn and obtain a connection to his sewer line constructed several years ago. The purpose of this sewer connection is to accommodate the replacement or remodeling of an existing home on his property.

Because this results in no change to the area I have no objections, and in fact, support the City in approving this application and allowing Mr. Meyer to proceed with his long-planned home construction project.

Thank you for taking my comments into consideration in recommending approval to your Planning Commission and City Council.

Respectfully,
Thomas D. and Nancy McMahan
525 Foresthill Ave.
Auburn, CA 95603

EXHIBITS



PLANNING COMMISSION RESOLUTION NO. 11-9

**880 & 890 FORESTHILL AVENUE GENERAL PLAN AMENDMENT & PRE-ZONE
(FILES ANN 11-1, GPA 11-2 & RE 11-1)**

Section 1. The City of Auburn Planning Commission held a public hearing at its regular meeting of July 19, 2011 to consider a recommendation of a General Plan Amendment and Pre-zone to change the land use from Urban Low Density Residential (ULDR) to Open Space (OS) and Rural Density Residential (RDR) and to Pre-zone the subject properties to Open Space Conservation (OSC) and Agricultural Residential, Minimum Parcel Size of 2.5 acres (AR-2.5) for properties located at 880 & 890 Foresthill Avenue.

Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the July 19, 2011 meeting.
2. Site plan, exhibits, and correspondence submitted by the applicant.
3. Staff presentation at the public hearing held on July 19, 2011.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

Section 3. In view of all of the evidence and based on the foregoing findings, the City of Auburn Planning Commission finds the following for the reasons stated in the staff report presented at the public hearing to the Commission on July 19, 2011:

The Findings of Fact for the 880 & 890 Foresthill Avenue General Plan Amendment & Pre-zone are as follows:

1. The Planning Commission, on the basis of the whole record before it (including any comments received), finds that there is no substantial evidence that the project will have a significant effect on the environment and that the project is Categorical Exempt from CEQA per Section 15301 (Existing Facilities) because the project merely amends the City of Auburn General Plan and Pre-zones the subject property to allow a density that reflects existing development. Therefore, it can be seen with certainty that there is no possibility that amendment of the General Plan and Pre-zone may have a significant effect on the environment;
2. All documents and materials relating to the proceedings for the 880 & 890 Foresthill Avenue General Plan Amendment & Pre-zone are maintained in the City of Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.

The Findings of Fact for the General Plan Amendment 11-2 and Pre-zone 11-2 are:

1. The General Plan Amendment and Pre-zone is consistent with the goals, policies and objectives of the City of Auburn General Plan;
2. The proposed General Plan Amendment will not cause the General Plan to become internally inconsistent.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby recommends adoption of the Categorical Exemption prepared for the General Plan Amendment and Pre-zone.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby recommends that the City Council approve General Plan Amendment and Pre-zone, as shown in Attachments 1 & 2, subject to the following conditions:

A. PLANNING CONDITIONS:

1. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of these approvals, or the activities conducted pursuant to this [permit]. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of these approvals, or the activities conducted pursuant to these approvals, the applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

B. PUBLIC WORKS CONDITIONS:

1. The abandonment of on-site wells and septic systems shall be completed in accordance with Placer County Environmental Health Department. Verification shall be provided to the Public Works Department, prior to or concurrently with, final inspection of the City sewer connections for the project.
2. The applicant shall be responsible to verify the condition of the manholes and sewer lines for review and approval by Public Works Director. If manholes or sewer lines are not acceptable, they shall be replaced by the applicant. Sewer laterals are not permitted at angles greater than 90 degrees to the flow of the main.

3. The applicant shall connect to the City of Auburn sanitary sewer collection system. Prior to connection, the capacity of the sanitary sewer collection system and treatment plant shall be reviewed and approved by the Director of Public Works.
4. Necessary sewer line extension(s) shall be the responsibility of the applicant. The applicant shall be required to install and construct all necessary sewer line(s); lift stations and/or force main extensions as needed to meet City requirements.
5. All sanitary sewer mains shall be constructed with a minimum 8-inch diameter pipe with 4-inch laterals.
6. All abandoned sewer laterals shall be filled and sealed so no infiltration occurs.
7. Prior to connection to the City sanitary sewer collection system, property owners shall pay appropriate sewer fees as required by the Auburn Municipal Code.

Section 5. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner Spokely and seconded by Commissioner Young, hereby recommends that the City Council adopt a Categorical Exemption and approve the General Plan Amendment and Pre-zone (GPA 11-25 & RE 11-2) subject to the conditions listed above and carried by the following vote:

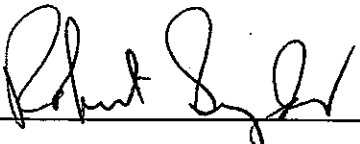
AYES: Spokely, Young, Snyder

NOES:

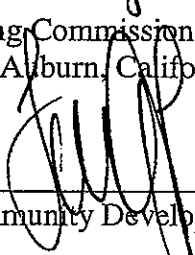
ABSENT: Worthington

ABSTAIN: Vitas

PASSED AND ADOPTED this 19th day of July, 2011.

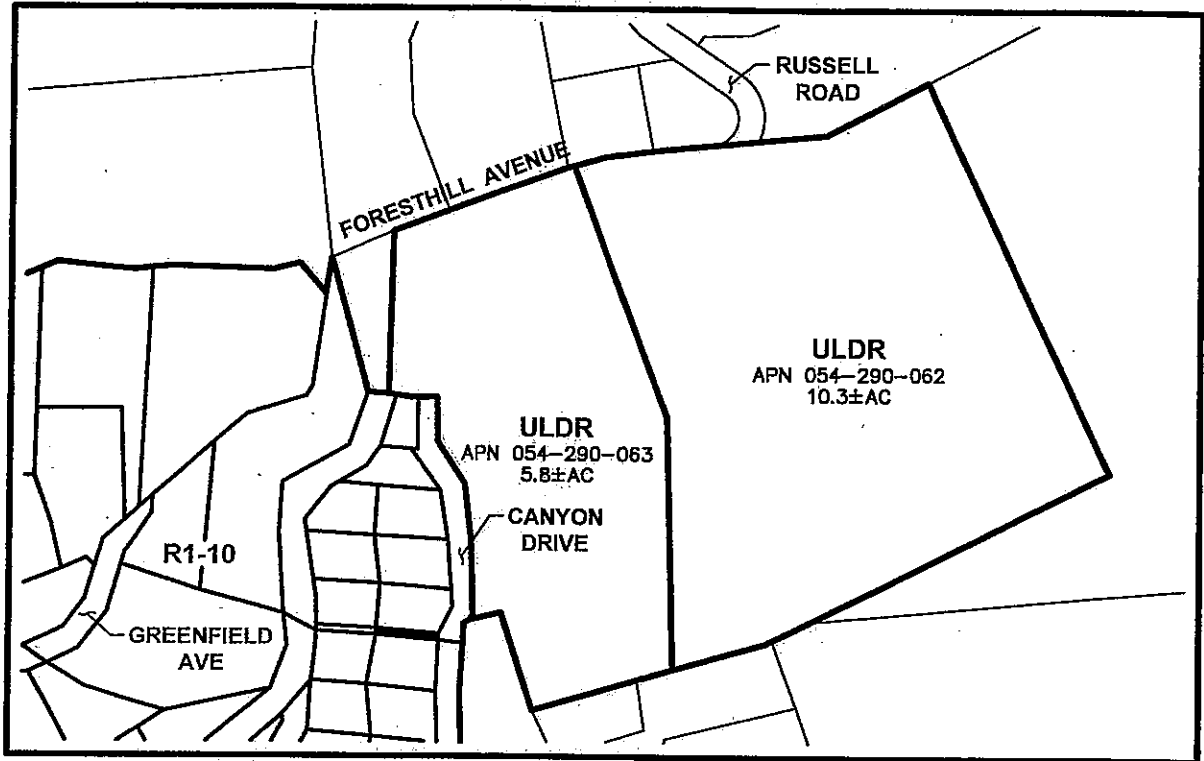


Chair, Planning Commission
of the City of Auburn, California

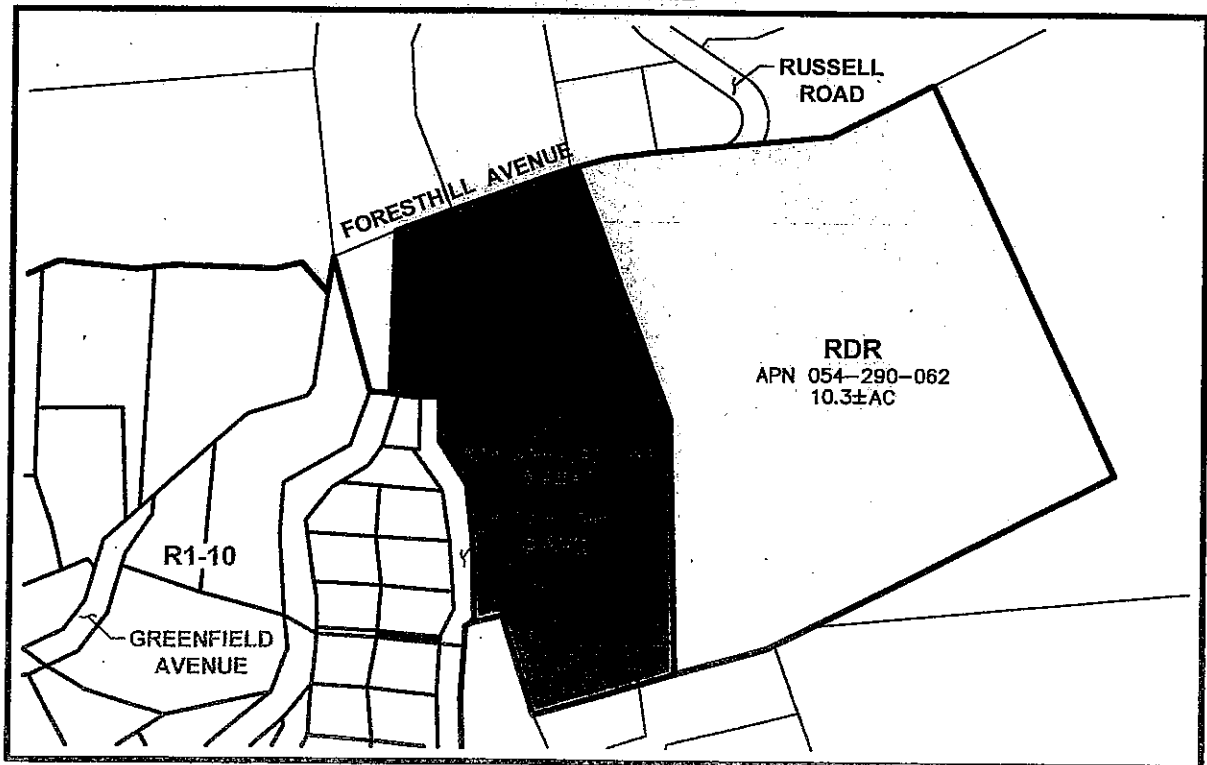
ATTEST: 
Community Development Department

Proposed General Plan Amendment

EXISTING

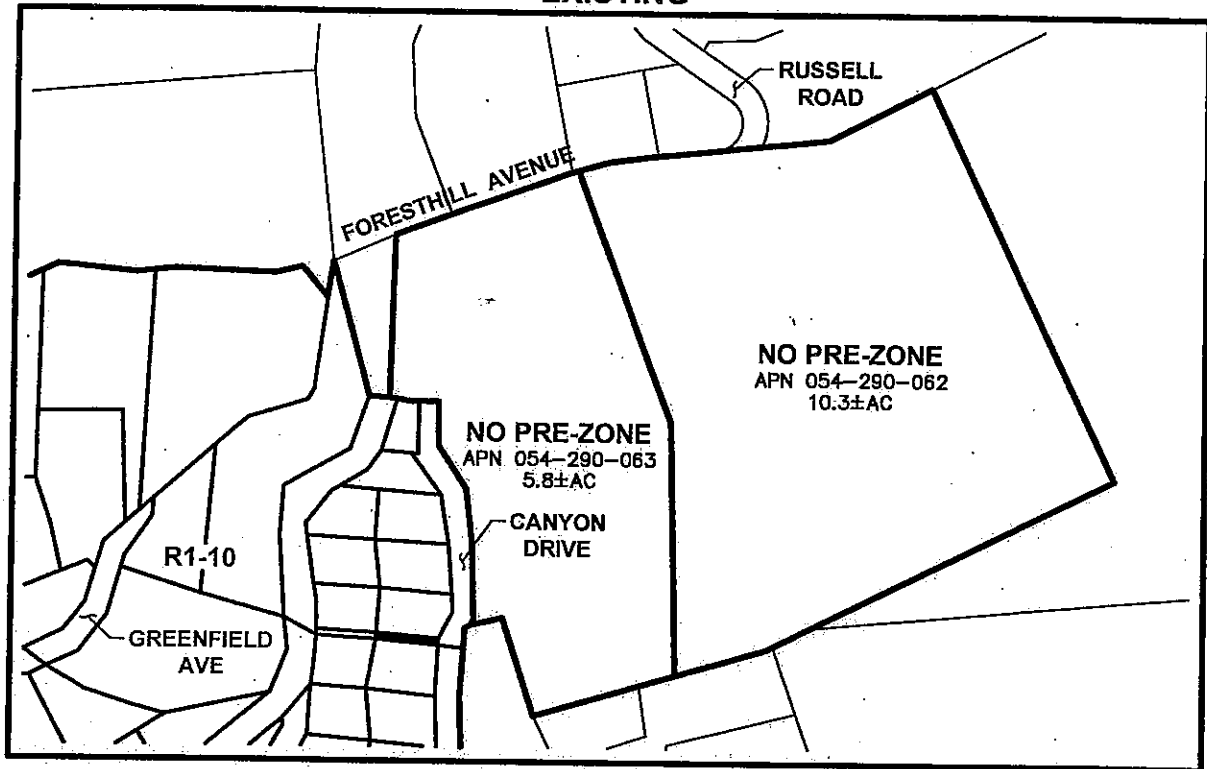


PROPOSED

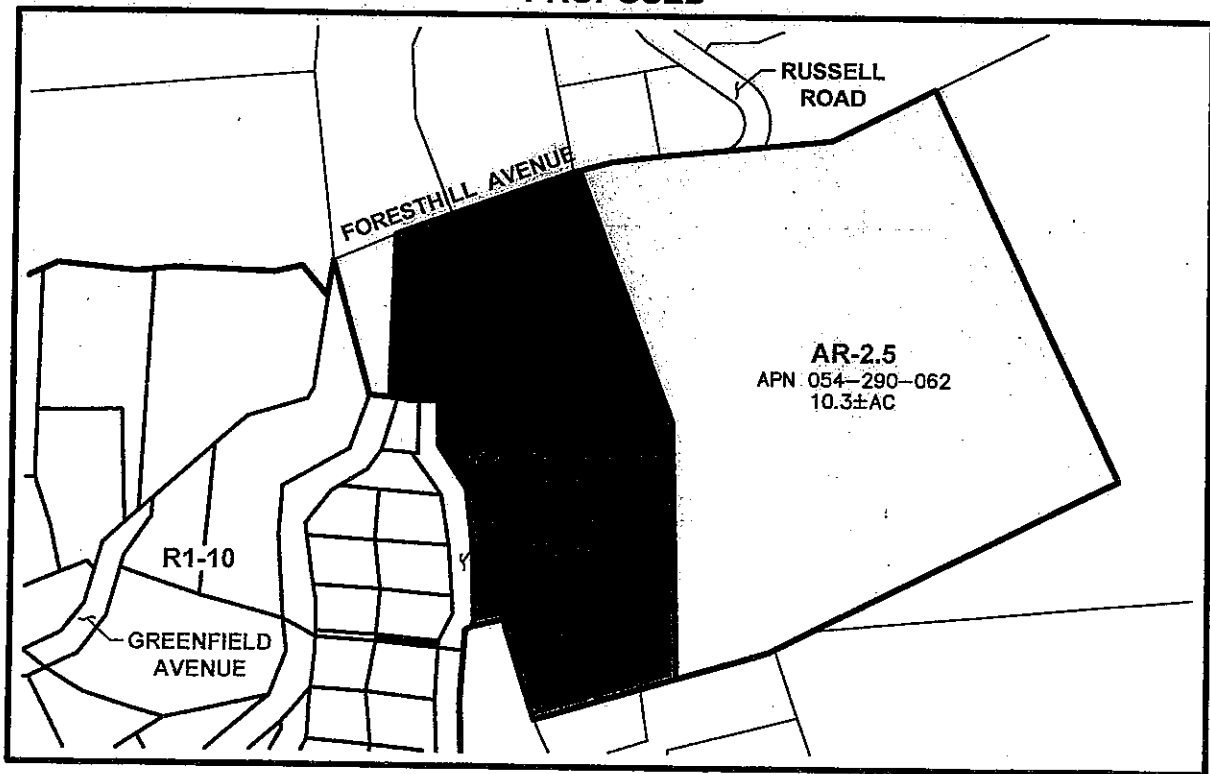


Rezoning Proposal

EXISTING



PROPOSED





Report to the Auburn City Council

Action Item
1
Agenda Item No.

<i>[Signature]</i>
City Manager's Approval

To: Mayor and City Council Members
From: Charles Clark, Director of Public Works/City Engineer
Date: March 14, 2005
Subject: Sewer Connection at 890 Forest Hill Avenue

The Issue

Shall the City Council allow a sewer connection outside the City limits to 890 Forest Hill Avenue?

Conclusions and Recommendations

Staff recommends that the City Council by **RESOLUTION**, authorize a single family sewer connection for 890 Foresthill Avenue.

Background

Several months ago Mr. Ron Meyer, approached the Public Works staff with a request to connect to the City sewer due to a failing septic system on his property at 890 Foresthill Avenue. This property is outside the City limits, but can flow by gravity to the City sewer system located on Canyon Drive.

Mr. Meyer was told by the previous Public Works Director, that by providing proof of hardship (see Attachment A) and acquiring all the necessary permits the City would be agreeable to allow one single family connection for his existing home (Attachment B). Mr. Meyer has completed all the necessary paperwork and with the dryer weather pattern would like to move forward with the sewer connection.

Alternatives Available to Council; Implications of Alternatives

1. Approve the connection of the existing one single family residence to the City sewer system.
2. Deny the request to connect to the City sewer system.

Fiscal Impact

The connection of one single family residence is \$3,500.00. An annual sewer user's fee for this property would be \$510.72. These fees and all construction costs will be paid by Mr. Meyer.

Attachments:

- A. Placer Co. Environmental Health Site Evaluation
- B. Site Map

NOES: None
ABSTAIN: Vitas
ABSENT: Worthington

The motion was approved.

B. GENERAL PLAN AMENDMENT & PRE-ZONE – 880 & 890 FORESTHILL AVENUE (MEYER ANNEXATION) – FILES # ANN 11-1; GPA 11-2 & RE 11-2. The applicant requests approval of a General Plan Amendment and Pre-zone to change the land use from Urban Low Density Residential (ULDR) to Open Space and Rural Density Residential (OS)(RDR). The Pre-Zone will change the properties to Open Space Conservation (OSC) and Agricultural Residential, Minimum Parcel Size 2.5 acres (AR-2.5).

Planner Lowe gave the staff report, summarizing the General Plan Amendment & Pre-zone and reasons for the applications.

Chairman Snyder asked about the location of the sewer connection.

Planner Lowe described the sewer location.

Chairman Snyder asked about the sewer station on Canyon Drive

Director Wong noted that the Public Works Department has not raised any concerns with the additional sewer connections.

Chairman Snyder open the public hearing.

Dennis Meyer, on behalf of his brother Ron Meyer, addressed the Planning Commission. He described the history of the property and reasons for the General Plan Amendment and Pre-Zone and that his brother is also seeking an Annexation from LAFCO.

Mr. Meyer noted that there are 4 houses on the property that were constructed before 1950. Mr. Meyer noted that the existing sewer line is a 6 inch sewer line and would be adequate to serve all improvements.

Commissioner Spokely **MOVED** to recommend that the City Council approve the General Plan Amendment and Pre-zone as proposed.

Commissioner Young **SECONDED** the motion.

AYES: Spokely, Young & Snyder
NOES: None
ABSTAIN: Vitas
ABSENT: Worthington

The motion was approved.

VI. COMMISSION BUSINESS

None

VII. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

A. City Council Meetings

Director Wong noted that the Council will be considering whether or not to dissolve the City's Redevelopment Agency and that a discussion of Blocker Drive will occur at the next City Council meeting.

B. Future Planning Commission Meetings

None

C. Reports

None

VIII. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

IX. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

X. ADJOURNMENT

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Lance E. Lowe



EXHIBITS

RESOLUTION NO. 11-_____

A RESOLUTION OF THE CITY OF AUBURN CITY COUNCIL AMENDING THE CITY OF AUBURN GENERAL PLAN FROM URBAN LOW DENSITY RESIDENTIAL (ULDR) TO OPEN SPACE (OS) AND RURAL DENSITY RESIDENTIAL (RDR) FOR PROPERTIES LOCATED 880 & 890 FORESTHILL AVENUE

RECITALS

A. Whereas, the City of Auburn is proposing to take action to amend the City of Auburn General Plan from Urban Low Density Residential (ULDR) to Open Space (OS) and Rural Density Residential for property located at 880 & 890 Foresthill Avenue; and,

B. Whereas, the Auburn Planning Commission, upon proper notice and Hearing on July 19, 2011, recommended an amendment to the City of Auburn General Plan (File GPA 11-2), referred to as the 880 & 890 Foresthill Avenue General Plan & Pre-zone; and,

C. Whereas, the City of Auburn City Council held a duly noticed public hearing on August 22, 2011 to receive public testimony, consider the Planning Commission's recommendations, and take action on the project; and,

D. Whereas, the City of Auburn City Council, based upon oral testimony and documentary evidence presented during the public hearing, now finds it proper to amend the City of Auburn General Plan; and,

E. Whereas, the City of Auburn City Council has taken action to approve all entitlements necessary for implementation of the General Plan Amendment for 880 & 890 Foresthill Avenue.

1 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

2
3 1. The foregoing recitals are hereby true and correct;

4
5 2. The Auburn City Council finds that the actions as set forth in this
6 Resolution is in the public interest and necessary to the public health, safety,
7 and welfare;

8
9 3. The General Plan Amendment is consistent with the goals, policies, and
10 objectives of the General Plan;

11
12 4. The General Plan Amendment will not cause the General Plan to become
13 internally inconsistent;

14
15 5. The General Plan Amendment is consistent with the public interest, health,
16 safety, and welfare of the City of Auburn;

17
18 6. The Auburn City Council hereby Certifies that its members have reviewed
19 and considered the information in the record and find that the project is
20 Categorical Exempt from CEQA considering that no further development will
21 occur. Therefore, a Categorical Exemption is adequate, complete and in full
22 compliance with the California Environmental Quality Act (CEQA) as set forth in
23 the CEQA Guidelines;

24
25 7. The City Council, on the basis of the whole record before it (including any
26 comments received) finds that there is no substantial evidence that the project
27 will have a significant effect on the environment and that the Categorical
28 Exemption reflects the City Council's independent judgment and analysis;

1
2
3 8. The City Council of the City of Auburn does hereby approve the 880 & 890
4 Foresthill Avenue General Plan Amendment (GPA 11-2). The area and property
5 affected by the General Plan Amendment is more particularly shown on
6 **Exhibit "A"** hereto; and,
7

8 9. The Auburn General Plan is hereby amended by changing the land use
9 designation for the property shown on **Exhibit "A"** from Urban Low Density
10 Residential (ULDR) to Open Space (OS) & Rural Density Residential (RDR).
11

12
13 DATED: August 22, 2011
14

15
16 _____
William W. Kirby, M.D., Mayor

17 ATTEST:
18

19 _____
Joseph G. R. Labrie, City Clerk
20

21 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
22 that the foregoing resolution was duly passed at a regular meeting of the City
23 Council of the City of Auburn held on the 22nd day of August 2011 by the
24 following vote on roll call:

25 Ayes:

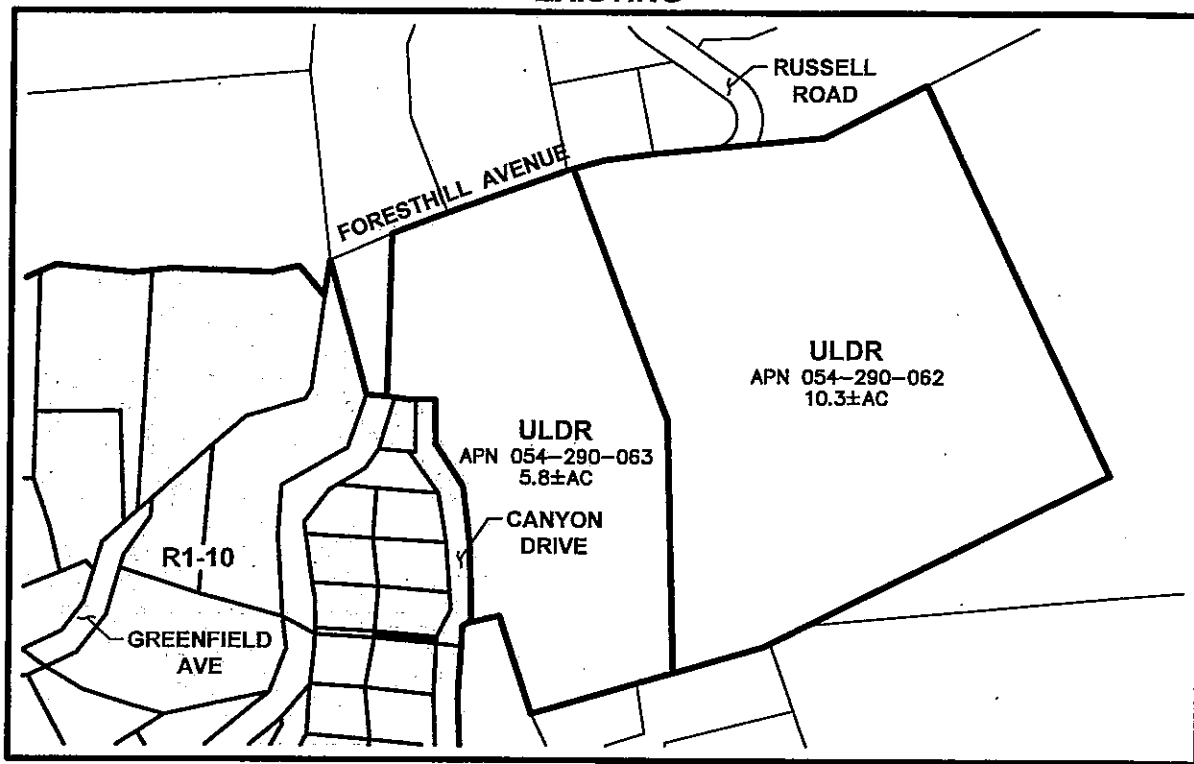
26 Noes:

27 Absent:

28 _____
Joseph G. R. Labrie, City Clerk

Proposed General Plan Amendment

EXISTING



PROPOSED

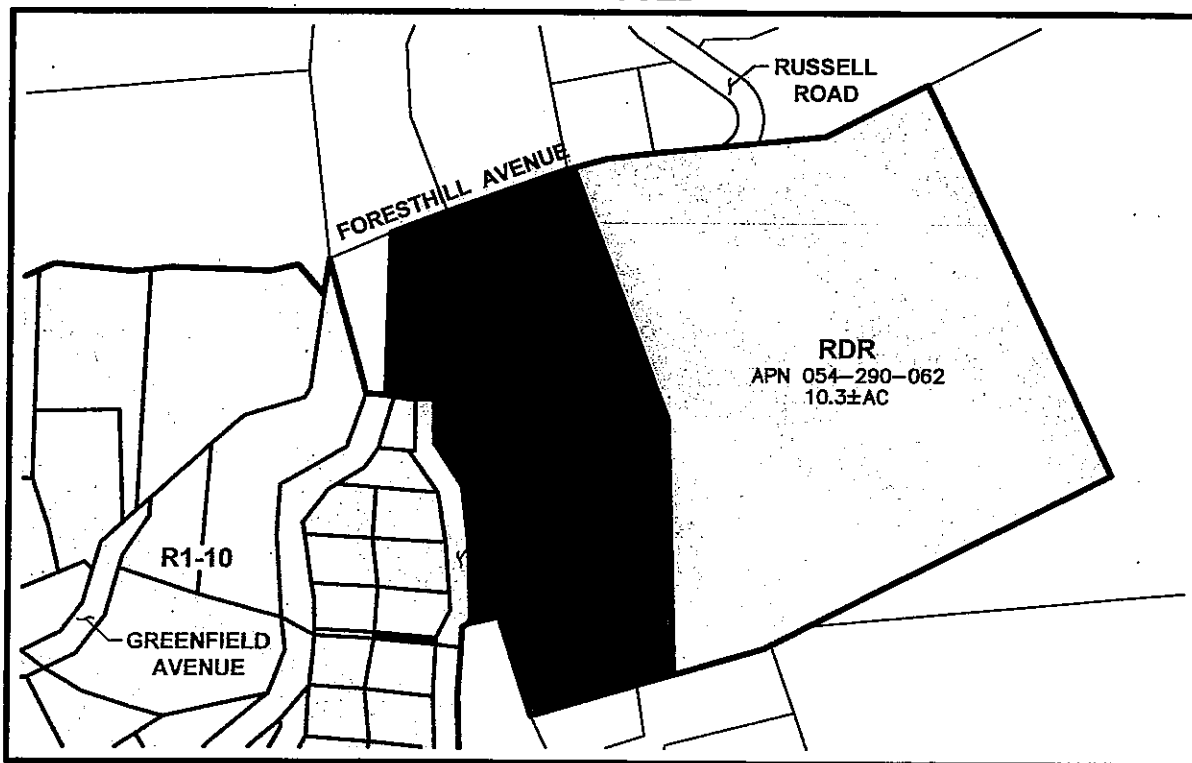


EXHIBIT B

ORDINANCE NO. 11-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN
PREZONING PROPERTY LOCATED AT 880 & 890 FORESTHILL AVENUE TO OPEN
SPACE CONSERVATION (OSC) AND AGRICULTURAL RESIDENTIAL, MINIMUM
PARCEL SIZE 2.5 (AR 2.5)

THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:

A. The City Council held a public hearing on August 22, 2011, to consider a Pre-zone to Open Space Conservation (OSC) and Agricultural Residential, Minimum Parcel size 2.5 acres for property located at 880 & 890 Foresthill Avenue;

B. The City Council has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Staff report prepared by the Community Development Department for the August 22, 2011 meeting;

2. Planning Commission recommendation at the July 19, 2011, Planning Commission hearing;

3. Exhibits and Plans submitted by the applicant;

4. Staff presentation at the public hearing held on August 22, 2011;

5. Public comments, written and oral, submitted at or prior to the public hearing;

6. All related documents submitted at or prior to the public hearing;

7. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes;

1 C. The Findings of Fact for Pre-zone 11-2 are:

2 1. The Pre-zone is consistent with the General Plan;

3 2. The Pre-zone is consistent with the public interest, health,
4 safety, and welfare of the City of Auburn;

5

6 D. In view of all of the evidence in the record and based on the
7 foregoing findings, the City of Auburn City Council further finds the following:

8 1. All documents and materials relating to the proceedings for
9 the Pre-zone (11-2) are maintained in the City of Auburn Community
10 Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603;

11

12 E. In view of all of the evidence and based on the foregoing findings,
13 the City of Auburn City Council hereby adopts a Categorical Exemption from
14 CEQA per Section 15301 (Existing Facilities) because this ordinance amends
15 the City of Auburn Zoning to allow a density that reflects existing
16 development. Therefore, it can be seen with certainty that there is no
17 possibility that adoption of this ordinance may have a significant effect on the
18 environment;

19

20 THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

21 Section One: The City of Auburn City Council Pre-zones the property
22 at 880 & 890 Foresthill Avenue to Open Space Conservation (OSC) and Rural
23 Density Residential, minimum parcel size 2.5 acres (RDR-2.5). The area and
24 property affected by the Pre-zone is more particularly shown on "**Exhibit A**"
25 attached hereto.

26

27 Section Two: This Ordinance shall take effect thirty days following its
28 adoption as provided by Government Code Section 36937.

1 Section Three: The City Clerk shall certify to the passage and adoption
2 of this Ordinance and shall give notice of its adoption as required by law.
3 Pursuant to Government Code Section 36933, a summary of this Ordinance
4 may be published and posted in lieu of publication and posting of the entire
5 text.

6 Section Four: Should any provision of this Ordinance, or its
7 application to any person, parcel or circumstance, be determined by a court of
8 competent jurisdiction to be unlawful, unenforceable or otherwise void, that
9 determination shall have no effect on any other provision of this Ordinance or
10 the application of this Ordinance to any other person, parcel or circumstance
11 and, to that end, the provisions hereof are severable.

12 DATED: August 22, 2011

13
14
15 _____
16 William W. Kirby, M.D., Mayor

17 ATTEST:

18
19 _____
20 Joseph G. R. Labrie, City Clerk

21 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
22 that the foregoing resolution was duly passed at a regular meeting of the City
23 Council of the City of Auburn held on the 22nd day of August, 2011 by the
24 following vote on roll call:

25 Ayes:

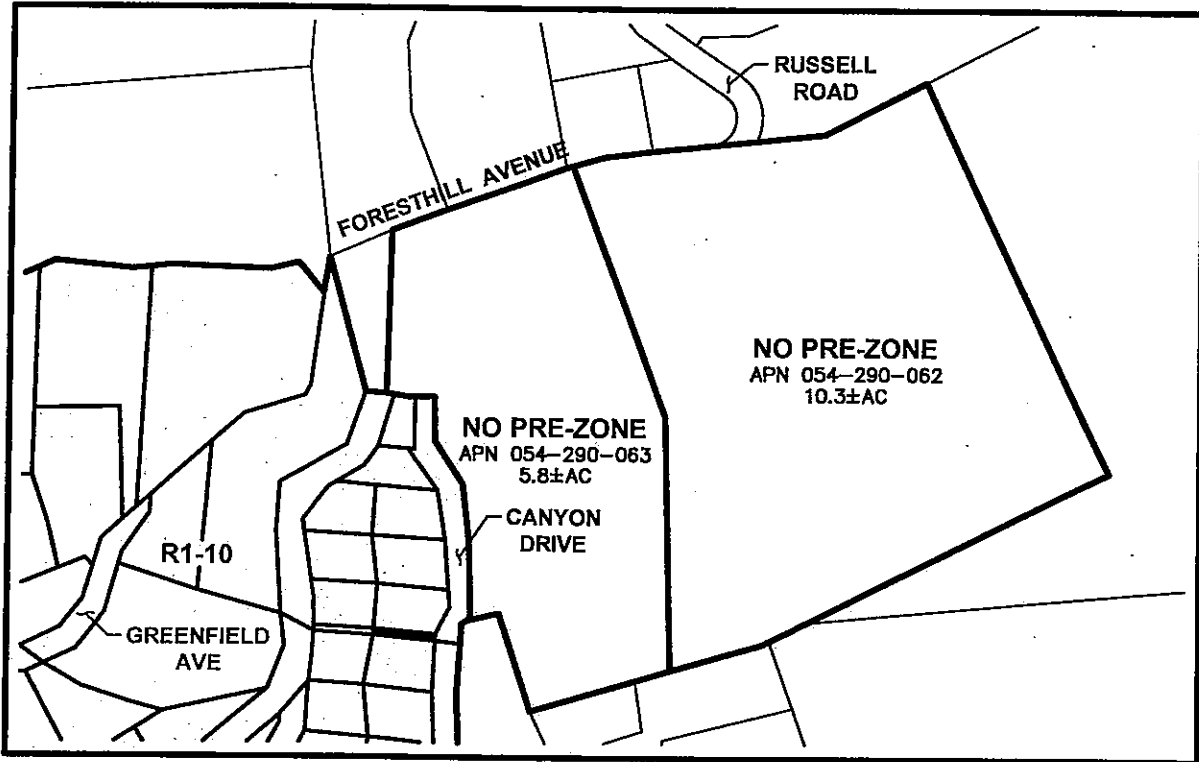
26 Noes:

27 Absent:

28 _____
Joseph G. R. Labrie, City Clerk

Rezoning Proposal

EXISTING



PROPOSED

